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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,743	12/31/2001	Kerry Neal McKay	85447.000050	2979

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EXAMINER

PURVIS, SUE A

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-5

Office Action Summary

Application No.

10/038,743

Applicant(s)

MCKAY ET AL.

Examiner

Sue A. Purvis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claims 1 and 13 are objected to because of the following informalities: These claims are not in the form of a complete sentence. Appropriate correction is required.

Drawings

2. The drawings were received on 15 April 2002. These drawings are not acceptable.
3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details as described in the specification. The drawings submitted do not match the informal drawings submitted at the time of filing. Furthermore, the new formal drawings do not match the description in the specification. In particular, Figure 3 is described as showing the spools (52, 54) in the laminate cartridge. This is not the case in the new formal drawings. Furthermore, the specification describes Figures 5 through 7 as three embodiments of the ratchet teeth and includes a description of Figure 8. The new formal drawings do not have a Figure 7 or 8 and the description in the specification of Figures 4 through 6 does not match the new formal drawings. These descriptions include structural detail essential to the invention.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid

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abandonment of the application. The objection to the drawings will not be held in abeyance. The examiner has attempted to use the informal drawings filed with the application when examining the application.

4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the slot (56) with a tooth (60) and repository (62) combination in Figure 8 as described on page 10 of the specification. The formal drawings submitted do not include a Figure 8 and the informal drawings do not clearly set forth what the applicant's invention is. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The specification objected to because reference character "56" has been used to designate both 'slot' and 'tooth repository' in paragraph 36 on page 9. Clarification is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

It is unclear from the specification where the 'slots' are as claimed in claim 1 and 10. The claims detail a 'housing' including one or more 'slots' implying it is the housing of the laminate cartridge which has these slots. However, when looking at Figure 3 of the informal drawings, it appears to the examiner that the 'housing' is part of the overcoat application apparatus and this is supported in paragraph 0036 of the specification which states, "the first spool 52 of the laminate cartridge 50 may sit in a slot 56 of the overcoat application apparatus 10 holder." Further in claim 1, the applicant claims the teeth of the core engage the housing slot, but this is inconsistent with the specification.

Claims 3 and 12 detail a 'guide bar' supported by the housing, but it unclear to the examiner whether the 'housing' is meant to be a laminate cartridge housing alone or overcoat applicator housing.

Claims 4 and 13 require a 'handle' be attached to the housing, however the specification discloses the 'handle' (68) being attached to holders (64, 66). The second housing introduced in claims 5 and 14 seem to actually mean a second holder detailed in the specification. If that is the case, the examiner suggests using 'holder' in place of 'housing' in the claims to avoid confusion.

Claims 9 and 18 introduce a 'hook' to allow the ' housings' to be attached to one another but the examiner was unable to find sufficient description in the specification to help discern what the 'hook' is that applicant was trying to claim.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2, 4-8, and 11-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claims 2 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: These claims state 'further comprising one or more teeth such that the teeth do not protrude beyond the perimeter of the core', however the claim fails to state if those teeth are the ones introduced in the independent claims from which they depend or if they are additional teeth. From the specification the examiner gleaned that the 'teeth' are the ones disclosed in the independent claim, thus the examiner suggests using language to indicate this. For example, saying 'wherein said one or more teeth do not protrude beyond the perimeter of the core'. Similarly, claims 8 and 17 also omit the structural relationship by stating 'comprising a one or more teeth...' If these are meant to be the same teeth introduced in previous claims, the examiner suggests using language that shows this.


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is 703-305-0507. The examiner can normally be reached on Monday through Friday 8am to 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1495.


Sue A. Purvis
Examiner
Art Unit 1734

sp
September 28, 2003